

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE, et al.,

Plaintiffs,

v.

MICHAEL REGAN, as Administrator of the
U.S. Environmental Protection Agency, et al.,

Defendants,

AMERICAN FARM BUREAU
FEDERATION, et al.,

Intervenor-Defendants.

No. 2:20-cv-01687-BHH

CONSENT MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) and Local Rule 6.01, Plaintiffs South Carolina Coastal Conservation League, et al., Defendants Michael Regan, et al. (“Defendants” or “the Agencies”), and Intervenor-Defendants American Farm Bureau Federation, et al. (collectively, the “Parties”) stipulate to and jointly move the Court to enter an order modifying the scheduling order for summary judgment briefing entered by the Court on May 17, 2021 (Doc. 118).

In requesting modification of the scheduling order, the Parties seek (1) to extend certain deadlines by three days to reflect the recent adoption of an intervening federal holiday; and (2) to clarify that the deadlines and page limits will apply not only to briefing in connection with motions for summary judgment but also to briefing in connection with the Motion for Voluntary

Remand Without Vacatur filed by Defendants on June 21, 2021 (Doc. 140).¹

Accordingly, the Parties stipulate to and jointly move for the following modifications to Paragraphs 3 to 6 of the existing scheduling order (Doc. 118), with deletions denoted with strikethrough and insertions denoted in underline:

3. Intervenor-Defendants shall file a combined response to Plaintiffs' ~~and/or Defendants' motion for summary judgment~~ and Defendants' motion for voluntary remand without vacatur and any cross-motion for summary judgment by **June 25-28, 2021**. Intervenor-Defendants' combined response and summary judgment memorandum shall not exceed 45 pages.

4. Plaintiffs shall file a combined reply in support of summary judgment and response to Defendants' motion for voluntary remand without vacatur and any cross-motion for summary judgment filed by ~~Defendants and~~ Intervenor-Defendants by **July 9-12, 2021**. The combined reply/response shall not exceed 65 pages.

5. Defendants shall file a reply in support of their ~~cross-motion for summary judgment~~ motion for voluntary remand without vacatur, if any, by **July 23-26, 2021**. Defendants' reply shall not exceed 30 pages.

6. Intervenor-Defendants shall file a reply in support of their cross-

¹ The Court's May 17, 2021 scheduling order directed Defendants to file their cross-motion for summary judgment/response to Plaintiffs' motion for summary judgment no later than June 18, 2021. In lieu of a cross-motion for summary judgment/response to Plaintiffs' motion for summary judgment, Defendants have filed a Motion for Voluntary Remand Without Vacatur. Furthermore, given that June 18, 2021, is now a federal holiday, see Juneteenth National Independence Day Act, Pub. L. No. 117-17, 135 Stat. 287 (2021), Defendants filed their Motion for Voluntary Remand Without Vacatur on June 21, 2021. The Parties seek to extend the deadlines for the remaining briefs by a corresponding three days.

motion for summary judgment, if any, by ~~July 30~~ August 2, 2021. Intervenor-Defendants' reply shall not exceed 30 pages.

The Parties have agreed to these modifications to facilitate the orderly briefing of issues in connection with motions for summary judgment and for voluntary remand without vacatur.

For the foregoing reasons, the Parties jointly request that the Court grant this motion for good cause shown and enter an order modifying the existing scheduling order (Doc. 118) as set forth above.

Respectfully submitted this the 21st day of June 2021.

s/ Frank S. Holleman III

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